

2009 DRAFTING REQUEST

Senate Amendment (SA-SB29)

Received: **04/23/2009**

Received By: **emueller**

Wanted: **Soon**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Make driver responsible for unsafe door opening by passenger under age 16.

Instructions:

See attached. Model on seatbelt law, if possible.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	emueller 04/27/2009	bkraft 04/27/2009		_____			
/1			rschluet 04/27/2009	_____	lparisi 04/27/2009	lparisi 04/27/2009	

FE Sent For:

<END>

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/?	emueller	1 bjk 4/27					
/1	4/27/09						

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4/23

Sen. Kedzie's office

- SB 29 - "dooring" ban

- Amendment Sen. to seat belt law
to make driver resp. for < 16

use ^{same} lang if poss.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0251/?

EVM:.....

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,
TO 2009 SENATE BILL 29

LMR

In 4/27/09

Today

bh

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 2: after "HIGHWAY." insert "(a)".

3 2. Page 2, line 5: after that line insert:

4 "(b) The operator of a motor vehicle located on a highway may not permit any
5 person under 16 years of age to open any door of the motor vehicle without the
6 operator first taking due precaution to ensure that opening the door will not interfere
7 with the movement of traffic or endanger any other person or vehicle."

8 3. Page 2, line 6: delete lines 6 to 10.

9 4. Page 2, line 10: after that line insert:

10 "SECTION 4M. 346.95 (10) of the statutes is created to read:

11 346.95 (10) (a) Any person who violates s. 346.94 (20) (b) and any person 16
12 years of age or older who violates s. 346.94 (20) (a) may be required to forfeit not less

Please check font size

1 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
2 \$100 for the 2nd or subsequent conviction within a year.

3 (b) No forfeiture may be assessed for a violation of s. 346.94 (20) (a) if the
4 violator is less than 16 years of age when the offense occurs.”.

5 (END)

* Do Not include D-Note

2009 SENATE BILL 29

February 3, 2009 – Introduced by Senators RISSE, MILLER, HANSEN and LEHMAN, cosponsored by Representatives BLACK, SHERMAN, MASON, BERCEAU, POPE-ROBERTS, BALLWEG, POCAN, ZEPNICK and A. WILLIAMS. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

- 1 **AN ACT** *to repeal* 346.80 (2) (c); *to amend* 346.95 (1); and *to create* 346.94 (20)
2 of the statutes; **relating to:** passing parked motor vehicles and opening motor
3 vehicle doors on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle and giving an audible signal when passing a bicycle or EPAMD proceeding in the same direction. This bill eliminates this requirement.

This bill also prohibits any person from opening any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 346.80 (2) (c) of the statutes is repealed.

SENATE BILL 29

SECTION 2. 346.94 (20) of the statutes is created to read:

346.94 (20) OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

SECTION 3. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (20) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(END)